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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,732	06/18/2001	Shogo Fujimori	1614.1109-CIP	8751

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EXAMINER

CRAIG, DWIN M

ART UNIT PAPER NUMBER

2123

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,732

Applicant(s)

FUJIMORI ET AL.

Examiner

Dwin M. Craig

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-15 have been presented for reconsideration in view of Applicants' amended claim language and arguments. Claim 16 has been presented for Examination.

2. Dwain Craig is now the Examiner of record. Eduardo Garcia-Otero is no longer the Examiner of record.

3. Applicants' arguments presented in the 6/27/2005 responses have been fully considered. The Examiner's response is as follows.

3.1 Regarding the Applicants' response to the 35 USC § 102(b) rejections of claims 1-15, the Examiner has the following response.

The Examiner notes that Applicants' are merely providing a recitation of the newly amended limitations and then arguing that the currently applied prior art reference fails to teach the newly claimed subject matter. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

3.2 In view of Applicants' amended claims and in the case of Independent claim 16 a newly presented claim, the Examiner will now provide a new prior art rejection based only on the expanded scope of the previously presented claims.

3.3 An updated search based on Applicants' amended and newly presented claim language has revealed new art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-16 are rejected under 35 USC 102(b) as being anticipated by US Patent 5,596,506 Petschauer et al.

4.1 As regards independent claims 1, 6, 11 and 16 and using newly presented independent claim 16 as an example, the *Petschauer et al.* reference discloses, “a method for determining a noise countermeasure, the method comprising;” (Abstract, *et seq.*), “categorizing an analyzing circuit into a plurality of transmission circuit wiring topologies” (Figure 1 “NET1, NET2, NET3, NET4), “wherein a transmission waveform of the analyzing circuit differs depending on each topologies;” (Figure 4 and Figure 25 and Col. 2 lines 30-45, *et seq.*), “comparing the topologies; and ” (Col. 3 lines 64-67 and Col. 4 lines 1-7 *et seq.*), “outputting an noise countermeasure improvement proposal based on the comparison.” (Figures 30A and 30B and Col. 6 lines 1-9, *et seq.*).

4.2 As regards dependent claims 2-5, 7-9 and 12-15 and using dependent claims 2 as an example, the *Petschauer et al.* reference discloses, “calculating transmission characteristic values of the analyzing circuit based on calculation formulas depending on the judgment result of said obtaining an analyzing circuit judgment and the transmission circuit topologies;” (Figures 6 and 16 and Col. 14 lines 40-47 *et seq.*), “obtaining a characteristic value judgment result by judging acceptability of the transmission characteristic value, based on judging values;

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(Figure 25 item 182a, Col. 20 lines 7-21 *et seq.*), “*analyzing an error cause by referring to an error cause file which indicates the error causes depending on error items, using the characteristic value judgment result; and*” (Col. 20 lines 56-67, Col. 21 lines 1-13 *et seq.* The Examiner notes that the SPICE program generating a table is functionally equivalent to the SPICE program generating a file), “*selecting an outputting an improvement proposal by referring to an improvement proposal file which indicates proposals depending on the error causes, using the error cause file by analyzing an error cause.* (Figure 30A).

Conclusion

5. Claims 1-15 have been presented for reconsideration. Claim 16 has been presented for Examination. Claims 1-16 are rejected.

5.1 Besides the prior art reference presented in this Office Action for rejections of Applicants’ amended and newly presented claims, the Examiner has also provided other prior art references in the “Notice of References Cited” PTO-892 that the Examiner respectfully submits should be reviewed and considered by the Applicants’.

5.2 Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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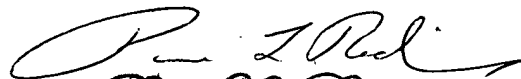
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5.3 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwin M. Craig whose telephone number is (571) 272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC


Paul L. Rodriguez 10/03/05
Primary Examiner
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